

In the Office Action the Examiner indicated that the claims were rejected under 35 U.S.C. 102(a) or 102(e) as being anticipated by the published patent application to Reich.

Some claims are also rejected as being obvious over this reference either taken singly, or in combination with other references.

The Examiner indicated with respect to the anticipation rejection, it can be overcome by showing that any invention disclosed but not claimed in the reference was derived from the inventor of this application and thus is not the invention "by another", or by another appropriate showing.

With the present communication, applicants have submitted a Declaration confirming that the inventors are applicants of the pending application serial no. 10/517,417, and they are the inventors of the subject matter and any invention disclosed but not claimed in the reference was derived from the inventors of this application and thus was not the invention "by another".

Also, a document confirming the facts disclosed in this Declaration is submitted herewith as well. This document is inventors' in-

house report. The document is accompanied by translation from German into English.

It is therefore believed that the rejection of the original claims as being anticipated by the reference should be considered as no longer tenable and should be withdrawn.

As for the obviousness rejection, it is respectfully submitted that the new features of the present invention which are now defined in the claims can not be as obvious from the applied references.


It is respectfully submitted that the claims currently on file should be considered as patentably distinguishing over the art and should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue.

Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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